

IN THE CLAIMS:

1. (Currently Amended) A breathing assistance apparatus comprising:  
gas delivery device adapted to provide gas at a substantially positive mean pressure;  
a humidifier adapted to humidify said gas ~~and~~;  
~~wherein said apparatus is configurable to at least two configurations, a first configuration with a predetermined functionality inoperable with said gas delivery device operable and a second configuration with said predetermined functionality and said device operable~~ an external device adapted to operatively communicate with said apparatus through said port, whereby communication includes at least interrogation by said apparatus of said device and a predetermined response by said device depending on said interrogation; and  
a controller or processor adapted to energise said gas delivery device and/or said humidifier according to at least two configurations depending on the response of said device.
2. (Currently Amended) A breathing assistance apparatus comprising:  
means for providing gas at a substantially positive mean pressure;  
means for humidifying said gas; ~~and~~  
means for communicating with an external device;  
means for said apparatus being interrogated by said external device;  
means for receiving a predetermined response from said external device depending on said interrogation; and  
~~means for providing at least two configurations, a first configuration with a predetermined functionality inoperable and a second configuration with said predetermined functionality~~ energising said means for providing gas and/or said means for humidifying

according to at least two configurations depending on the response of said device.

3. (Currently Amended) A method of delivering respiratory gases to a patient comprising the steps of:

providing gas at a substantially positive mean pressure;

humidifying said gas; ~~and~~

communicating with an external device;

interrogation by said external device;

receiving a predetermined response from said external device depending on said

interrogation; and

providing gas and/or humidity according to at least two configurations depending on the response of said device.

~~providing at least two configurations, a first configuration with a predetermined functionality inoperable and a second configuration with said predetermined functionality~~

4. (Original) An apparatus or method as claimed in anyone of claims 1 to 3 wherein said predetermined functionality is active humidification and said second configuration occurs by the engagement of a predetermined mechanical key with said apparatus.

5. (Original) An apparatus or method as claimed in anyone of claims 1 to 3 wherein said predetermined functionality is active humidification and said second configuration occurs by the engagement of a predetermined mechanical key with said apparatus said second

configuration occurs by the engagement of a predetermined magnetic key with said apparatus.

6. (Original) An apparatus or method as claimed in anyone of claims 1 to 3 wherein said predetermined functionality is active humidification and said second configuration occurs by the engagement of a predetermined mechanical key with said apparatus said second configuration occurs by the entry of a predetermined code into a keypad.

7. (Original) An apparatus or method as claimed in anyone of claims 1 to 3 wherein said predetermined functionality is active humidification and said second configuration occurs by the engagement of a predetermined mechanical key with said apparatus a portion of said apparatus may be separated corresponding to said first configuration, whereby the integration of said portion corresponds to said second configuration.

8. (Original) An apparatus or method as claimed in anyone of claims 1 to 3 wherein said predetermined functionality is active humidification and said second configuration occurs by the engagement of a predetermined mechanical key with said apparatus said second configuration occurs by introducing a software or hardware dongle.

9. (Original) An apparatus or method as claimed in anyone of claims 1 to 3 wherein said apparatus further comprises a conduit between the device and the patient and said predetermined functionality is active humidification and heater within or incorporated with said conduit.

10. (Original) An apparatus or method as claimed in claim 9 wherein said predetermined functionality relates to heating said gas and said second configuration relates to energising said heater to heat said conduit and/or said gas directly.

11. (Original) An apparatus or method as claimed in anyone of claims 1 to 3 wherein said predetermined functionality relates to storage or display of data relating to the use of said apparatus and said second configuration relates to energising a display to indicate said use.

12. (Original) An apparatus or method as claimed in anyone of claims 1 to 3 wherein said predetermined functionality relates to the pressure level, delivered to the patient and said second configuration relates to providing either a continuous or stepwise correction in sound pressure level.

13. (Original) An apparatus for delivering gas to a patient comprising a gas delivery device configured to provide gas at a predetermined pressure level,

a heater,

a chamber having an inlet and an outlet,

said inlet configured to receive gas from said device,

including a body of water whereby said body of water being heated by said heater providing vapour within said chamber thereby humidifying gases passing from said inlet to said outlet,

a controller or processor configured to energise said heater according to at least a user selectable level,

a cover configured to prevent user selection of said heating level and providing an

outlet directly from said device,

wherein when said chamber is installed in proximity to said heater said apparatus delivers humidified gas to a patient at a predetermined pressure level,

and when said chamber is removed and said cover is installed said apparatus delivers unhumidified gas to a patient at a predetermined pressure level.

14. (Original) An apparatus as claimed in claim 13 wherein said cover may be removed using a mechanical key to disengage it with said apparatus.

15. (Original) An apparatus as claimed in claim 14 further comprising a control input configured to provide user selection to said controller.

16. (Original) An apparatus as claimed in claim 15 wherein said input may be locked to prevent user input and unlocked by engaging a mechanical key with said input.

17. (Currently Amended) An apparatus for delivering gas to a patient comprising a gas delivery device configured to provide gas at a predetermined pressure level,

a heater,

a chamber having an inlet and an outlet,

said inlet configured to receive gas from said device,

including a body of water whereby said body of water being heated by said heater providing vapour within said chamber thereby humidifying gases passing from said inlet to said outlet,

a controller or processor configured to energise said heater according to at least a user

selectable level:

a user input configured to selectively enable or disable said heater and/or other functionality associated with said apparatus.

18. (Original) An apparatus as claimed in claim 17 further comprising a display adapted to indicate the current level of functionality enabled.